

## EXECUTION OF SENTENCE IN CAPITAL CASES.

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## Chapter 72.

CHAP. 72.

An act to amend chapter one hundred and thirty-five of the revised statutes, relating to the execution of sentence in capital cases.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECT. 1. In case of trial of an indictment for any capital offence, the judge presiding shall, at the expense of the county, employ suitable means to preserve an accurate and full copy of the evidence; and in case of conviction, he shall correct and certify such evidence to be a true copy of all the evidence in the case. And in case of sentence of death awarded upon such conviction, it shall be the duty of the clerk forthwith to transmit to the governor a true and attested copy of such evidence; and in all cases of sentence of death, the clerk shall forthwith transmit to the governor a copy of the whole record.

An accurate copy of evidence in capital cases to be made.

In case of conviction to be certified by judge.

In case of sentence of death copy of record and evidence to be sent to governor by clerk of court.

SECT. 2. Upon receiving such record and evidence, it shall be the duty of the governor and council carefully to review the whole case, and unless they think proper to pardon the convict, or commute his sentence, the governor shall, upon the expiration of one year after the day of the sentence, except cases in review, issue his warrant, as provided in sections seven and eight of chapter one hundred and thirty-five of the revised statutes as herein amended.

Governor and council to review the record and evidence, and unless pardon or commutation of sentence is granted by them, the governor at expiration of one year, except in case of review, to issue warrant for execution.

SECT. 3. When a petition is presented for review and granted, the judge granting the same shall forthwith notify the governor of the fact, and that there is cause for further inquiry, and the governor shall stay execution until such inquiry has been made upon a new trial. In case of conviction for a capital offence, upon new trial, the like proceedings on the part of the court, the clerk, and the governor and council, shall be had as are hereinbefore provided in case of conviction upon original process.

Proceedings in case of review.

SECT. 4. Section seven of said chapter is hereby amended so as to read as follows :

R. S., chap. 135, sect. 7, relating to convicts under sentence of death, amended.

'Sect. 7. When any person is convicted of a crime punishable with death, and sentenced therefor, he shall at the same time be sentenced to solitary confinement in the state prison till such punishment is inflicted; but he shall not be executed until the whole record of such proceedings or case is certified by the clerk of said court, under the seal thereof, to the supreme executive authority of the state, and a warrant is issued by said executive authority, under the great seal of the state, directed to the sheriff or one of his deputies, of the county wherein the state prison is situated, commanding him to carry said sentence of death into execution.'